

**MINUTES
of the
SECOND INTERIM MEETING
of the
CAPITOL BUILDINGS PLANNING COMMISSION**

**August 21, 2007
Room 321, State Capitol
Santa Fe**

The August 2007 interim meeting of the Capitol Buildings Planning Commission (CBPC) was called to order by Secretary Arturo Jaramillo and Speaker Ben Lujan, co-chairs, on August 21, 2007 at approximately 9:20 a.m. in Room 321 of the State Capitol in Santa Fe.

Present

Rep. Ben Lujan, Co-Chair
Arturo Jaramillo, Secretary, General Services
Department (GSD), Co-Chair
Sen. Ben D. Altamirano
Stuart Ashman, Secretary,
Cultural Affairs Department (CAD)
Deputy Secretary Gary Giron, Designee for
Rhonda Faught, Secretary, Department
of Transportation (DOT)
James B. Lewis, Treasurer, State Treasurer's
Office
Patrick Lyons, Commissioner of Public
Lands, State Land Office (SLO);
Joyce Pankey, Designee, SLO
Katherine B. Miller, Secretary, Department of
Finance and Administration (DFA)
Arthur W. Pepin, Director, Administrative
Office of the Courts (AOC)
Rep. Thomas C. Taylor

Absent

Sen. Stuart Ingle

Staff

Paula Tackett, Director, Legislative Council Service (LCS)
Roxanne Knight, LCS
Jacob Winowich, LCS
Bill Taylor, Director, Property Control Division (PCD), GSD
Lemoyne Blackshear, PCD, GSD

Guests

The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

Tuesday, August 21**Welcome and Introductions**

Speaker Lujan and Secretary Jaramillo welcomed commission members. The first order of business was the unanimous adoption of the May 21, 2007 minutes.

Introduction of New State Architect Lemoyne Blackshear

Mr. Taylor introduced Ms. Blackshear to the commission members.

Master Planning Process (Brief Overview) and Updates

John Petronis and Andy Aguilar, Architectural Research Consultants (ARC), gave an overview of the creation of the CBPC and capitol buildings master planning efforts since 1997. They introduced new staff members for ARC that will be assisting with the master planning process.

The initial plan for state-owned facilities in Santa Fe was initiated in 1998 and adopted by the CBPC in 2000. An overview of the Albuquerque metro area was developed in 2003. An update to the Santa Fe plan was initiated in 2006 and is ongoing. An initial plan for the Las Cruces area and for a review of state properties throughout the state for the development of an overall master plan was authorized in the 2007 legislative session.

Master planning accomplishments include the establishment of general goals for the location, operation and logistical efficiency of facilities as well as convenient access to services by the public. ARC staff reviewed the planning challenges, which include short-term budget cycles versus long-term facility needs, identifying and integrating agency program requirements and considering resource allocation priorities within the capital outlay process.

Important planning questions that need to be answered by state governmental entities in all branches of government include:

- types of facilities needed to support agency missions;
- physical or functional issues with current facilities and locations that may be impeding the agency or organizational unit's ability to fulfill its functions; and
- programmatic changes that may affect the agency's need for facilities in the next five to 10 years.

Although the list is not inclusive of all questions, it does contain the ones the commission would like state agencies to address during future presentations to the CBPC and to assist the master planners in the completion of future master plan updates.

Ms. Tackett reported to the commission that additional master planning funds in the sum of \$350,000 for FY07 through FY09 were appropriated by the state legislature in 2007.

Children, Youth and Families Department (CYFD), Master Planning and Facilities Overview

CYFD Secretary Dorian Dodson and Deputy Secretary Danny Sandoval reviewed their handout on the facility needs of the CYFD. Secretary Dodson asked the commission to consider the environment of juvenile justice facilities because the look and feel of them is very important to the recovery of children placed with the CYFD. She gave a brief description of the types and locations of juvenile facilities, underscoring the need for more, yet smaller, facilities to serve the needs of the eastern and western areas of New Mexico. Clearly, from her presentation, it was noted that most facilities currently are located within the Rio Grande corridor and primarily in the northern and southern areas of the state. After reviewing the CYFD facility client profile, services and goals, Secretary Dodson stressed that keeping children closer to their communities results in better reintegration, better treatment and more community involvement.

She stated that the CYFD population has been under 300 for some time (currently 245 males and 30 females), and she stressed that reintegration is critical to preventing relapses among the CYFD youth. She called for a "softening" of correctional facilities to be more reflective of a rehabilitative model versus a jail model. She noted that different populations can drive a need for population-specific beds; in other words, a "bed" is not just a "bed", but that certain populations (e.g., male versus female) may require different types of beds.

Eighty to 85% of the facility clients are presenting substance abuse or behavioral health issues. The majority of clients are significantly behind in their education, and 35% to 60% have special education needs. Five percent have significant mental health and medical needs. Many children in the CYFD have never had medical or dental care and monitoring prior to becoming CYFD clients.

Secretary Dodson reported that the J. Paul Taylor facility is the newest; however, it was not sufficiently funded, according to the secretary. Deputy Secretary Sandoval said it was an ongoing challenge to maintain and update the CYFD facilities. Its funding requests for long-term facility needs include maintenance support, replacing and refurbishing facilities to improve medical and behavioral health care and building or remodeling for 10- to-12 bed living units at the Youth Diagnostic and Development Center (YDDC) in support of the best practice "Missouri" model, with a move toward regional, smaller facilities; however, the agency's focus is to remain on "front-end" services, such as prevention and diversion, by continuing to work closely with the courts and judges.

Senator Altamirano asked if there were entities that have oversight functions relating to the CYFD. Secretary Dodson responded that the CYFD is accountable to various entities for things such as facilities compliance, report cards and accountability to the legislature and to the federal government for some programs, to name a few. Speaker Lujan asked about the capacity of the Springer facility. The secretary reported that the only facility being used by the CYFD at

Springer has a capacity for 20, but that it does not have kitchen or dining facilities, so the New Mexico Corrections Department (NMCD) food service contractor brings meals in hot trays to the CYFD facility. In response to Representative Taylor, Secretary Dodson said that the number of youth committed was down 50% from the 1990s, when the population was around 600. She said there has been a more recent 10% increase.

The secretary extended an invitation to commission members to visit the CYFD facilities and programs.

Water Rights — Los Lunas and Santa Fe State Properties

State Engineer John D'Antonio and Water Resource Program Director John Romero reviewed the mission of the Office of the State Engineer (OSE) and New Mexico water rights administration. Because they had been invited to help clarify concerns about water rights on Los Lunas and Santa Fe state properties (including DOT properties), the state engineer reviewed the water right application process as one component of his presentation. Mr. D'Antonio referenced Section 72-5-38 NMSA 1978, which provides that water rights held by the State of New Mexico for the purpose of construction, reconstruction, maintenance or repair of roads, streets, highways and airports are not subject to forfeiture or loss for failure to use all or part of such water rights beneficially.

Mr. Romero gave a summary of the water rights held by the state for the Los Lunas properties at the hospital and training school as well as the grasslands area. There are two declarations: R.-1436 and R.-5847. Water rights are in the name of the PCD and are detailed as follows:

Declaration R.-1436

- filed on November 20, 1957 with a priority date of 1947;
- 200 acres of land with appurtenant water rights for irrigation purposes;
- 600 acre-feet per year for irrigation (diversion amount);
- 420 acre-feet per year for irrigation (consumptive use amount); and
- this water right was formerly used to irrigate the sod farm on the west side of the interstate.

Declaration R.-5847:

- filed on April 20, 1961 with a priority date of 1927;
- 164.61 acre-feet per year (consumptive use) for institution use;
- 21.45 acres of land with appurtenant water rights for irrigation purposes;
 - 64.35 acre-feet for irrigation (diversion amount); and
 - 45.05 acre-feet per year for irrigation (consumptive use amount); and
- this water right is located on the east side of the interstate.

Total water rights in the name of PCD:

- 629.66 acre-feet per year (consumptive use), of which 164.61 acre-feet are for

institutional use and the rest are for irrigation use; and
—664.35 acre-feet per year (diversion amount) for irrigation purposes.

During commission discussions, it was noted that the state has requested extensions (as authorized in the water code) for both wells and surface water rights.

Mr. D'Antonio reported that, with regard to Santa Fe water rights on the DOT property, the agency does not have a water rights application before the OSE and that there is time to transfer those water rights, depending upon what decisions are made by the DOT. He indicated that the DOT is using a consultant to work on this and that he thinks the water rights are probably transferable. He pointed out that the DOT owns water rights all over New Mexico. The DOT water rights are the only state water rights that have this exclusive protection against forfeiture in statute. All other state water rights are subject to such forfeiture; thus, it is important that the state (e.g., the GSD) enter into short-term leases of its water rights to ensure against forfeiture.

With regard to the NMCD, the state engineer said that extra water is projected to be used by that department for its future growth. The OSE recommended that only short-term leases be allowed for no more than 10 years. He did not know if the NMCD is leasing any of the water at the penitentiary site.

Inquiry was made about using these excess waters for paying Texas its claims; however, Mr. D'Antonio said the state could not because the claims are in abeyance and that pre-1907 water rights predate the water compacts. A Rio Grande transfer (ground water) has to be offset with surface water. He said that New Mexico already gets credit for downstream waters going to Texas.

In response to questions, the state engineer noted that unappropriated water can be found in the northeast corner of New Mexico in the underground basins; however, there are over-appropriated waters in Pecos. The role of the OSE is to work through these issues within the administrative guidelines and to explore what opportunities might exist with regard to state water resources. In response to questions, Mr. D'Antonio said he thought everyone else should meet the terms of the state water code and should not have the statutory exemption provided for the DOT.

Additional concerns were raised about water rights in Los Lunas. The state engineer said that the grasslands are being irrigated and that some extensions may have already been granted to the state. He cautioned that the state should be sure that those rights are leased only on a short-term basis to put them to beneficial use.

DOT Updates on Projects

Deputy Secretary Giron offered a few brief comments about the DOT intermodal project. He reported that procurement discussions are still going on and that he is hopeful for a contract by September 2007. The inspector general at the DOT was directed to conduct a review of the procurement and the Governor's Office is planning to hire outside counsel to study the inspector general's report.

He reported that DOT District 5 office relocation is not moving forward.

CAD Capital Needs Assessment

Secretary Ashman reviewed the capital outlay needs of the department. The CAD is responsible for maintaining its facilities and seeking funds for all capital requests covering 66 buildings statewide. The department has a five-year plan for regular repairs, fire and safety repairs, upgrades and new facilities. The secretary explained that his first priority for capital funds is to finish previous, partially funded projects. His 2008 request for repairs and upgrades is \$7.098 million. The five-year plan for new or upgraded exhibitions venues, performing art spaces, education spaces and collection repositories call for \$18.337 million. The CAD is requesting close to \$11 million in the 2008 legislative session based on the presentation to the commission.

State Property Updates and Project Status

—West Capitol Campus Property Acquisition

Mr. Taylor reported that the PCD had met with U.S. Senator Jeff Bingaman and the United States Forest Service (USFS) to develop a plan of action for acquiring approximately 2.5 acres of the federal General Services Administration's (GSA) property and seven acres of USFS property located at the West Capitol Campus. Both federal agencies have been given authorization to dispose of the aforementioned property, but it will require congressional action to sell the property to the State of New Mexico.

—South Capitol Campus

The PCD is proceeding with the planning activity needed to address additional office buildings and a parking structure at the South Capitol Campus to alleviate overcrowding and parking.

—Coughlin Building

The PCD has entered into a purchase agreement with the owner of the Coughlin Building for \$1.32 million. It is proceeding with due diligence to meet the State Board of Finance's October meeting deadline.

—Albuquerque Scientific Laboratory

The project is on schedule to bid on the November 1, 2007. The property is now owned by the state.

—Capitol Parking Structure

ARC was selected to develop the design/build criteria. The project is scheduled to bid in early 2008. Santa Fe County had representation (County Commissioners Harry Montoya and Joseph Gutierrez) at the meeting to address its proposal, as raised by Speaker Lujan, to have the state include 200 spaces in the parking structure for the county to use, in part due to the planned construction of a new district courthouse several blocks from the capitol. The county has offered \$3 to \$4 million of the courthouse funds to add to the construction for the capitol parking structure.

ARC staff stated that there would be impacts to the area and costs either by going below ground for more spaces or by going higher. Although options for garage expansion might be possible, there is concern from commissioners and legislators that any capacity would be needed for state employees' parking within the buildings on the capitol campus. After some discussion, and upon motion of the speaker, the commission expressed support for some form of joint use with Santa Fe County, if details could be worked out, and it directed staff to review the feasibility of the joint proposal and report back to the commission.

—Maximus Facility Focus Asset Management System

The PCD reported that the management system has been initiated and is scheduled to be online and implemented with the GSD divisions in November 2007.

—Health and Human Services Complex in Santa Fe (Formerly the Super Complex)

Mr. Taylor reported that the size of the proposed complex had now reached 650,000 square feet and that current state land holdings in Santa Fe are limited for a complex of this size. A handout from HOK and SMPC architects was provided to the commission.

The consultants had conducted a site analysis for five sites. There was considerable discussion about the site analysis, the resulting square footage needed for the complex and the potential need to buy land in a new location to accommodate the project. Many questions were raised by the commission members, who requested to be able to tour the sites when it would be necessary to discuss project location.

The commission directed that ARC staff should meet with the contractors for the complex and report back to the commission. Staff was also directed to invite the agencies who want to be housed in the complex to come and present overviews of their strategic plans and facility needs. Some discussion ensued about the original master plan for the South Capitol Campus, the state's land at Valdez Park in Santa Fe and the relationship of this project to the Rail Runner and the DOT projects.

Mr. Taylor and Glenn Fellows (SMPC Architects) were directed to provide additional documents on the project and organize a site tour for the various sites in question. Secretary Miller asked that information be provided regarding the "backfill" of agencies into buildings that would be vacated by other agencies moving into the proposed new complex and also information about the current location and square footage requirements for the agencies targeted for the complex.

—Superblock in Albuquerque

The commission asked DOT Deputy Secretary Giron to provide information to ARC regarding the DOT's interest in acquiring seven acres of open land at the Superblock (YDDC) site in Albuquerque.

—Substance Abuse Facility in Los Lunas for the Human Services Department (HSD)

Mr. Taylor asked the commission to hear a brief presentation from Paula Maglione from the HSD regarding a \$5 million appropriation sponsored by Senator Michael S. Sanchez for design and construction of a substance abuse facility in Los Lunas at the old training center site. The request for HSD is anxious to issue a request for proposals, but there is concern about the facility being consistent with the master plan for the site.

The commission directed ARC and the HSD to meet and to review the proposal for the facility to ensure that it is consistent with the master planning recommendations for the area.

SLO Master Planning on State Trust Lands

Commissioner Lyons gave a very quick overview of his constitutional responsibilities as state land commissioner.

Future Meeting Dates

The next two meetings are scheduled for Monday, September 24, at 1:30 p.m. and Monday, November 19, at 10:00 a.m.

Public Comment

There was no public comment offered.

Other Business

There was no other business discussed.

Adjournment

The CBPC adjourned at approximately 12:15 p.m.